IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.944 OF 2005

Kamalini Vamanrao Bhagat Petitioner

versus

Maharashtra Housing and Area Development Authority and others Respondents

P.J.Thorat for petitioner.

A.Sayed, AGP for respondent no.1.

P.G.Karande for respondents 2 to 7.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 27th April 2005

PC :

1. Heard Mr.Thorat in support of this petition, Mr.Sayed - AGP for respondent no.1 and Mr.Karande for respondents 2 to 7. Respondent no.1 is carrying on the repairs of a building known as Amar Bhavan at Plot No.239-D, L.J.Road, Shivaji Nagar, Mahim, Mumbai 400 016. The repairs are being carried out since they are necessary. The procedure required by the statute namely to give notice to the landlord under section 89 was completed prior thereto. There was no proper

response from the landlord and the repair work started. Petitioner who is the landlady and who has filed this petition is opposing this repair work. Mr.Thorat for petitioner states that the petitioner is ready to carry out the repairs. The estimate of MHADA appears to be in the range of Rs.5.00 lakh for these repairs. We asked Mr.Thorat as to what would be the correct estimate. In his view the amount would be around Rs.3.00 lakh. This being the position, we asked Mr.Thorat whether the petitioner is ready to deposit Rs.3.00 lakh with MHADA on which the petitioner will be permitted to carry out the repairs by appointing her contractor who will be paid from that amount from time to time. Mr.Thorat states that he does not have any instruction in this regard. This is obviously because petitioner is not interested in repairs of the building at all. In the circumstances we do not find any merit in the petition which claims infringement of the rights of such land owners. In Mumbai area for limited purpose particularly for the purposes of repairs by collecting Cess from the occupants and there is a duty cast on the MHADA to repair the buildings. This is what is being done. No reason to interfere. Petition dismissed. Interim order

passed earlier stands vacated and MHADA is directed to proceed forthwith.

2. We expect the petitioner to fully co-operate in the matter of repairs and it will be open to MHADA to take necessary steps if there is no co-operation from the petitioner.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)